

REMARKS

Upon entry of the foregoing amendments, claims 25, 73-78, 80-82, 84-89, and 91-93 are pending in the application. Claims 79 and 90 are cancelled without prejudice to or disclaimer of the subject matter therein. Claim 1-24 and 83 were previously cancelled. Claims 25, 73, 80, 81, 84, 85, and 91 are amended. No new matter is introduced by these amendments and their entry is respectfully requested.

In view of the below remarks, Applicants believe the claims are in condition for allowance and reconsideration is respectfully requested.

Telephone Interview

Applicants thank the Examiner for the productive interview conducted with Applicants' representative Young A. Tang, Reg. No. 55,665 on June 28, 2007.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 25, 73-81 and 84-92 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 5,950,169 to Borghesi *et al.* ("Borghesi"). Applicant respectfully traverses this rejection.

Borghesi fails to teach each and every element of amended claim 25. Specifically, Borghesi fails to teach "assigning a score to a first and second data elements, the score responsive to scoring rules, wherein the first and second data elements include two or more data from the group consisting of policy information, vehicle information, number of vehicle involved, repair cost, number of party involved, time of incident, and location of incident ;" and "determine an overall score of the insurance claim based on the assigned scores," as recited in amended claim 25.

Borghesi is directed to an insurance claim method where a third party valuation is requested if the user desire a custom valuation or a threshold total valuation is reached for that vehicle. (Col. 13, lines 20-22 and 50-52). However, nowhere does Borghesi teach assigning a score to a first and second data elements, wherein each data element includes one or more data from the group consisting of policy information, vehicle information, number of vehicles

involved, repair cost, number of parties involved, time of incident, and location of incident. In contrast, the total cost or threshold total valuation, in Borghesi, depends **solely** on the repair cost.

For at least these reasons, Applicants submit that claim 25, is patentably distinct over Borghesi, and respectfully request that it be passed to allowance. Independent claims 73 and 84 recite similar features as distinguished above, they are thus patentable over Borghesi for at least the same reasons with respect to claim 25. Applicants respectfully submit that claims 25, 73, and 84 and all the claims that depend therefrom are patentably distinct over Borghesi, and Applicants respectfully request that they be passed to allowance.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 82 and 93 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Borghesi, in view of U.S. Patent No. 6,950,801 to Brookes *et al.* (“Brookes”). Applicant respectfully traverses this rejection.

Claims 82 and 93 depend from claims 73 and 84. Brookes does not cure the deficiencies of Borghesi with respect to claims 73 and 84. Accordingly, claims 82 and 93 are patentable over Borghesi and Brookes, considered alone or in combination.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 18-1953 referencing Docket No. 13CN-126433. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 18, 2007

Respectfully submitted,

By: 

Young A. Tang

Registration No.: 55,665

SHEPPARD MULLIN RICHTER &
HAMPTON LLP
333 South Hope Street, 48th Floor
Los Angeles, CA 90071-1448
Telephone: (858) 720-8900
Facsimile: (858) 509-3691